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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/859,660	05/16/2001	Guy Eden	SLA 1014	3934

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EXAMINER	
REFAI, RAMSEY	

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/859,660	EDEN, GUY	
	Examiner	Art Unit	
	Ramsey Refai	2154	

-- The MAILING DATE of this communication appears on th cov r sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,8-20 and 22-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8-20 and 22-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This action is responsive to amendment received on October 20, 2004. Claims 7 and 21 have been canceled. Claims 1-6, 8-20, and 22-26 are pending examination.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Admitted Prior Art (AAPA).

3. As per claim 1, AAPA teaches a method for a querying device to determine the availability of network-connected devices, the method comprising:

at a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices; following the building of the GUI, querying the known network-connected devices to determine their availability (paragraphs [005-006]).

4. Claim 16 is rejected for the same reason as claim 1 above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-7, 9-15 and 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al (U.S. Patent No. 5,987,535).

7. As per claim 2, AAPA teaches a method further comprising: at a querying device user interface, issuing a command requesting the availability of devices known to be connected to the network (paragraph [0005 –0007]).

8. AAPA fails to teach building a GUI representing the availability of known network devices includes building the GUI in real-time, in response to querying device user interface command.

9. However, Knodt et al show a method of providing immediate status and capability indicators of an imaging device to an operator by displaying at the user interface display screen (abstract; applicant explains that real-time is intended to refer to a very brief period of time that the querying device user perceives to be instantaneous). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of AAPA and Knodt et al because Knodt et al's use of immediate status of a user interface in

AAPA's method would provide a user the ability to view the status of devices immediately by mimicking machine activities as they occur.

10. As per claim 3, AAPA teaches a method comprising: following the building of the GUI, representing each of the known network-connected devices in the GUI as unavailable (paragraph [0005]; device availability is validated only after it has received replies from all devices therefore all devices are unavailable prior to receiving these replies).

11. As per claim 4, AAPA teaches a method wherein querying of the known network-connected devices includes:

spawning a thread from the querying device to query each of the network-connected devices; and the method further comprising: receiving a query reply from a network connected device; and in response to receiving a query reply from a network connected device, changing the GUI representation of that particular network device to available (paragraph [0005-0006]).

12. As per claim 5, AAPA teaches a method further comprising:

failing to receive a query reply from a network connected device; and in response to failing to receive a query reply from a network connected device, maintaining the GUI representation of the particular network device as unavailable (paragraph [0007]).

13. As per claim 6, AAPA teaches a method wherein not receiving a query reply from a network connected device includes:

accepting a timeout period for each network connected device query; and if the timeout period expires before a query reply is received, determining that the particular network connected device is unavailable (paragraph [0007]).

14. As per claim 7, AAPA teaches a method wherein building the GUI in real-time includes building the GUI within approximately 0.5 seconds of the query device user interface command (paragraph [0005]; applicant explains that real-time is intended to refer to a very brief period of time that the querying device user perceives to be instantaneous).

15. As per claim 9, AAPA teaches a method of claim 6 wherein

spawning a thread from the querying device to query each of the known network-connected devices includes requesting a True/False answer; wherein receiving a query reply from a network connected device includes returning a True answer; and wherein changing the GUI representation of that particular network device to available includes changing the GUI representation to available in response to a True answer (paragraph [0006-0007]).

16. As per claim 10, AAPA a method of claim 9 further comprising:

returning a False answer if the timeout period expires before a query reply is received for a network connected device; and wherein maintaining the GUI representation of the particular network device as unavailable includes maintaining the GUI as unavailable in response to the False answer (paragraph [0006-0007]).

17. As per claim 11, AAPA teaches a method of claim 10 wherein

building a graphical user interface (GUI) representing the availability of network includes building a GUI on a computer with a graphical interface (paragraph [0006-0007]); and

wherein issuing commands requesting the availability of the network-connected devices includes requesting the availability of network-connected devices selected from the group including printers, copiers, scanners, faxes, automatic teller machines (ATMs), remote sensors, virtual private network (VPN) devices, satellite devices, and other computers (paragraph [0004]).

18. As per claim 12, APPA fails to show a method comprising: accepting a periodic refresh command; and wherein building a GUI representing the availability of known network-connected devices includes refreshing the GUI in response to a refresh command.

19. However, Knodt et al show a method wherein status of a printer, scanner, and copier are displayed to the user in the user interface and is updated periodically based on the job status of each device (column 3, line 63 – column 4, line 60 and Figures 1- 13). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of the AAPA and Knodt et al because Knodt et al's use of updating statuses of devices in the AAPA's system would allow a user to instantly view current status of network devices such as the progress of a print job.

20. As per claim 13, AAPA teaches a method of building a graphical user interface (GUI) representing the availability of the network-connected devices independent of system timeouts, the method comprising;

from a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices; initially representing the network-connected devices as unavailable (paragraphs [0004 - 0005]); and

modifying the GUI to represent available network devices in response to communicating with those particular network-connected devices (paragraph [0007]) .

21. As per claim 14, AAPA teaches a method further comprising: maintaining the GUI to represent unavailable network devices in response to not communicating with those particular network-connected devices (paragraph [0007]).

22. As per claim 15, AAPA teaches a system for displaying network device availability, the system comprising:

a querying device having a graphical user interface (GUI) representing the availability of known network-connected devices (paragraphs [0004-0005]),

the querying device having a network connection port (inherent, a querying device must have a network communication port in order to connect to other devices) ;

at least one device having a network connection port for communications with the querying device (paragraph [0004]); and

wherein the querying device queries known network-connected devices to determine their availability, following the building of the GUI (paragraphs [0004 and 0007]).

23. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al (U.S. Patent No. 5,987,535), as claim 2 above, and further in view of Bahlmann (U.S. Patent No. 6,393,478).

24. As per claim 8, AAPA shows a method wherein spawning a thread from the querying device to query each of the known network-connected devices(paragraphs [0006 – 0007]).

25. AAPA and Knodt et al fail to show a method that includes using a function selected from the group including a Sockets connect function, a ping function, and an NSLookup function.

26. However, Bahlmann shows that use of the NSLookup function (column 15, lines 12-32). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of the AAPA, Knodt et al and Bahlmann because Knodt et al's use of building a GUI in real-time and Bahlmann's use of NSLookup function in AAPA's system would allow a user to view instant status information regarding monitored devices by using NSLookup to find the IP address corresponding to the monitored devices and for devices to locate the monitoring device.

27. Claims 17-26 contains similar limitations as claims 2-15, therefore are rejected under the same rationale.

Response to Arguments

28. Applicant's arguments filed have been fully considered but they are not persuasive.

The affidavit under 37 CFR 1.132 filed October 20, 2004 is insufficient to overcome the rejection of claims 1 and 16 based upon rejection under 35 U.S.C. 102 (b) as being unpatentable over AAPA, claims 2-7, 9-15, and 17-26 based upon rejection under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al and claim 8 based upon rejection under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Knodt et al and in further view of Bahlmann as set forth in the last Office action because the affidavit is only Mr. Sridhar Dathathraya's opinion and not based on factual evidence. Furthermore, Mr. Dathathraya's arguments are unpersuasive and are similar to that of the applicant's, thus merit the same response.

- In the remarks, the applicant argues in substance that:
    A. The claimed invention GUI is built before queries are sent out to the network which differs from AAPA, which builds GUI after queries are sent out;
    B. Knodt never discusses how network devices are depicted on the screen before the system determines if the devices are actually accessible nor does Knodt describe a screen updating process in the context of network discovery;
    C. One skilled in the art would not be motivated to combine AAPA and Knodt;
    D. Bahlmann does not specifically address network discovery;
- In response to:

A. The examiner respectfully disagrees because the claim language does not specifically state that the GUI is built without querying the network devices nor does it state how the GUI checks for availability without querying the network devices, and how a GUI that

represents "the availability of known network-connected devices" is built without a way to determine what devices are available to display in the GUI without some type of a query.

In addition, the Applicant's specification states that "Step 1302, at a querying device user interface, issues a command requesting the availability of devices known to be connected. Step 1304 builds a GUI representing the availability of network-connected devices" **(paragraph [0058]).** Also in **Figure 13**, steps 1302 and 1304, shows that a query command is being sent before the actual building of the GUI.

AAPA teaches the claimed invention. The claim states "at a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices..". AAPA teaches that a GUI is built that represents the availability of components (network devices) **(paragraph [0005]).** The claim further states "..following the building of the GUI, querying the known network-connected devices to determine their availability." AAPA teaches that " ...receives replies from all the components (network devices) whose existence the application wants to query". AAPA's GUI performs a preliminary availability check of devices, which the application wants to check the existence of after the building of the GUI.

C. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, AAPA teaches building a graphical user interface (GUI) that validate

network device availability and Knodt teaches a user interface that provides immediate status of an imaging device by displaying at the user interface an indicator of features availability for operation on the imaging device. AAPA teaches that "...there is a need to validate each component's existence every time the program is executed" and one way to do that is in conventional systems that "build the GUI to validate device availability" **(paragraphs [0004-0005]).** Knodt teaches "it would be desirable, therefore, to present to the user an immediate indication to an operator by displaying at the user interface features available as well as displaying features that are not available for operation" **(column 2, lines 25-37).** One skilled in the art would be motivated to combine the teachings of AAPA and Knodt because it would create a user interface that can receive an immediate indication to the user of the status of devices on a network.

B and D. Applicant is arguing that Knodt never discusses how network devices are depicted on the screen before the system determines if the devices are actually accessible, Knodt describe a screen updating process in the context of network discovery and Bahlmann does not specifically address network discovery. This/These limitation(s) are not found in the claims. Claimed subject matter not the specification is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding prior art. In re Sporck, 55 CCPA 743, 386 F .2d 924, 155 USPQ 687 (1986); In re Self, 213 USPQ 1, 5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey Refai
Examiner
Art Unit 2154

RR
December 28, 2004

JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
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